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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/718,154 | 11/20/2003 | Pierre Nobs | 36240 | 9002 |

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| EXAMINER | |
|---|---|
| KAYES, SEAN PHILLIP | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2841 | |

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/718,154 | NOBS, PIERRE | |
| | Examiner | Art Unit | |
| | Sean Kayes | 2841 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *17 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Will (US 5477508) in view of Moriya (US 4115993.)

3. With respect to claim 1 Will discloses a digital watch, comprising a digital display (P1, picture I.), said display comprising a first line of alphanumeric characters (P2) and a second line of alphanumeric characters (P3), said watch further comprising control means (microprocessor 20, figure 3a, also shown in picture II. as P4) for keeping and displaying the current time on said digital display and an interface device (P5, picture III.) sensitive to rotation around its axis and connected to said control means (The interface is sensitive to rotation around its rotational axis.)

Will does not teach wherein the interface device is sensitive to pressure along the direction of its rotational axis.

Interface devices that are sensitive to a pressure along the direction of its rotational axis are well known in the art. Moreover, the primary motivation for Will's invention is to create an interface that is simple to learn and operate. Moriya teaches a cylindrical push button style rotating interface device.

At the time of the invention it would have been obvious to one skilled in the art to use a push button rotating interface, such as that taught by Moriya, with Will's invention. The suggestion or motivation for doing so would be to provide a user interface that is more common than the thumbwheel design disclosed by Will. This would have the advantage of being simpler to understand and use without the need for additional instruction.

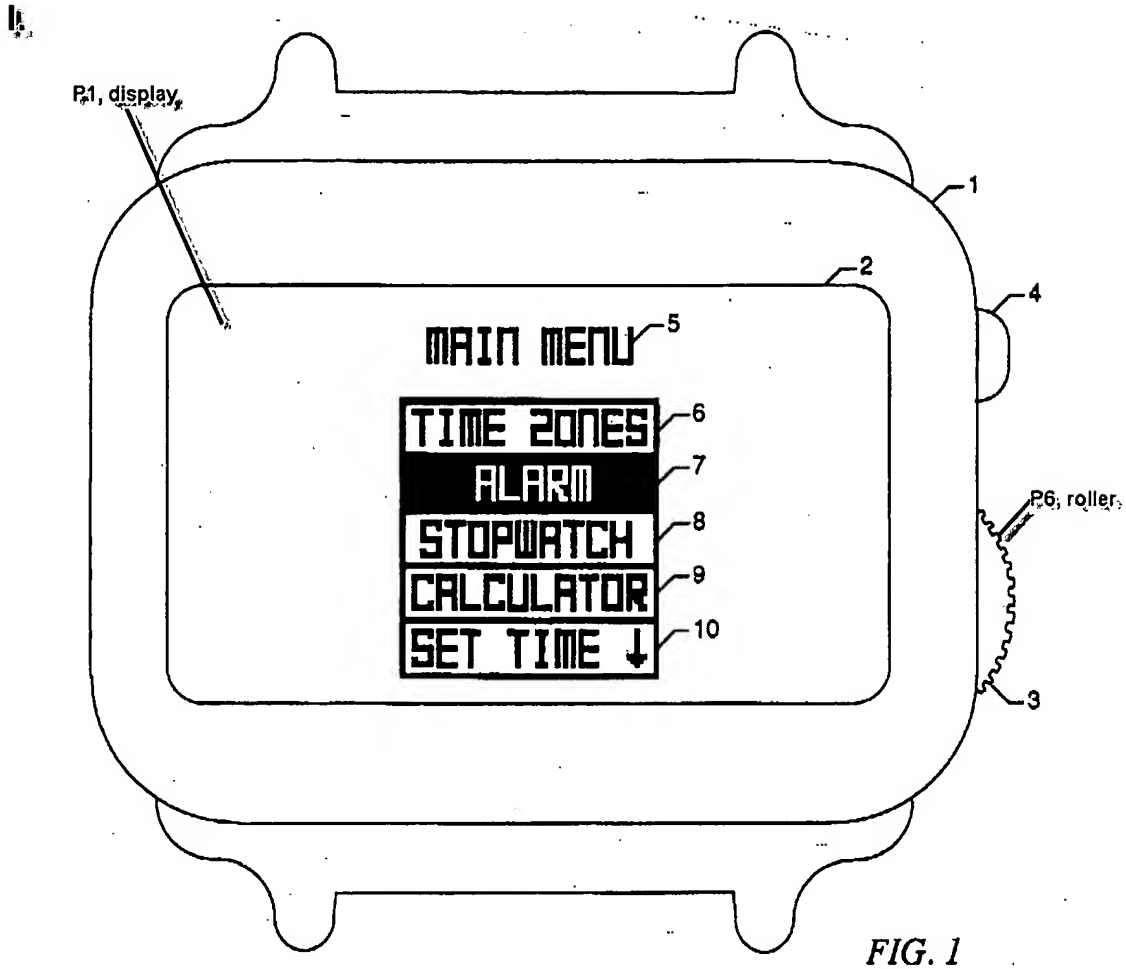

P1, display
1
2
4
MAIN MENU
5
TIME ZONES
6
ALARM
7
STOPWATCH
8
CALCULATOR
9
SET TIME
10
P6, roller
3

*FIG. 1*

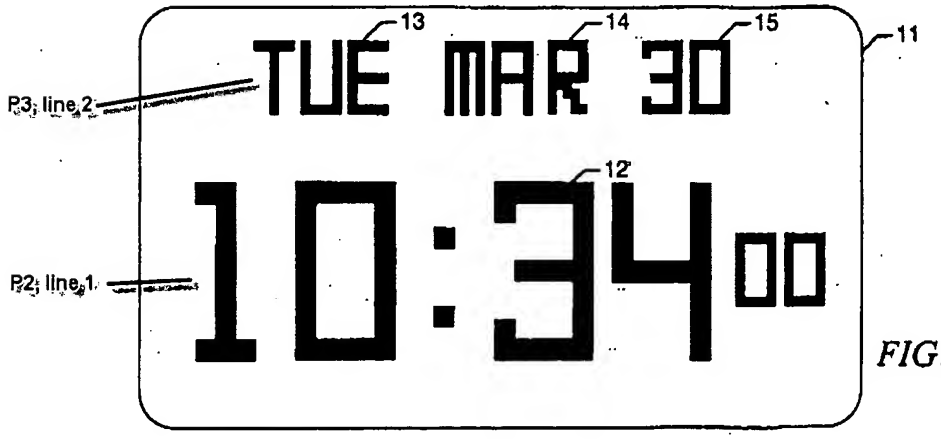
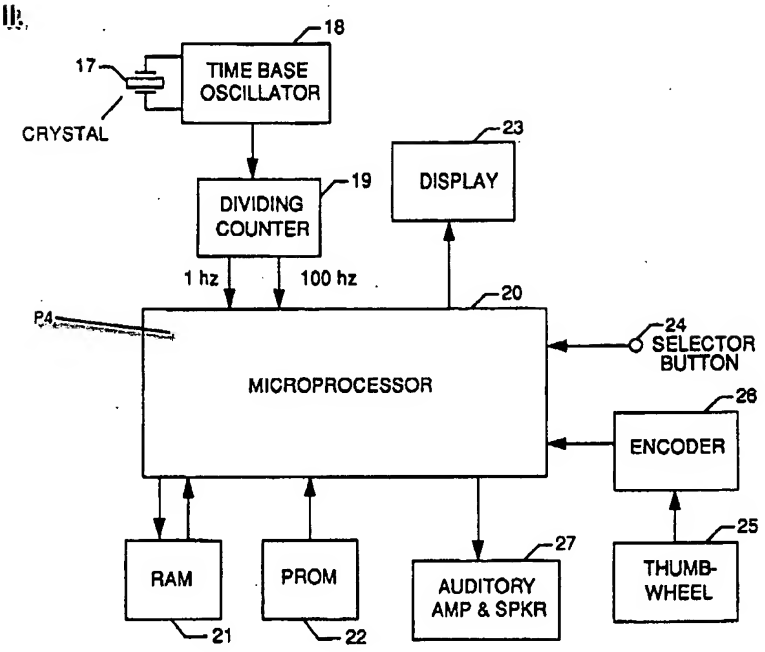
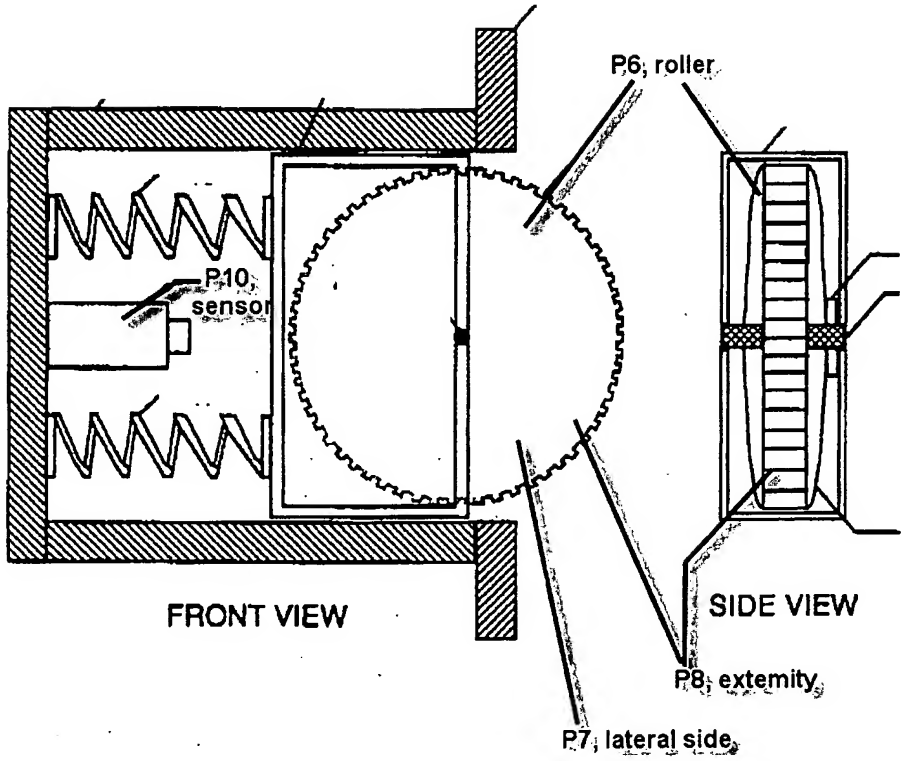

13
14
15
11
TUE MAR 30
P3, line 2
12
10:34 00
P2, line 1

*FIG. 2*

II.




III. P5, interface device



4. With respect to claim 2 Will and Moriya teach the digital watch according to the claim 1, wherein said control means are arranged to supply a plurality of functions (see picture I.) and wherein the current time is always displayed on said first line of alphanumeric characters and the indications relative to said functions are optionally displayed on said second line of alphanumeric characters (functional language fails to distinguish over Will.)

5. With respect to claim 3 Will and Moriya teach the digital watch according to claim 1, wherein said interface device is a roller (P6, picture III.) fastened on the face side of said watch, so as to be capable of turning around its axis, said roller having at least one sector of its lateral surface (P7) accessible for allowing the rotation around the axis of the roller to be communicated with a finger tip, said roller (P6) having an extremity (P8) accessible for allowing an axial pressure along the direction of the rotation axis (see rejection to claim 1) to be exerted with a finger tip.

6. With respect to claim 4 Will and Moriya teach the digital watch according to claim 2, wherein said functions comprise a standard display mode and at least one additional mode from among: calendar (displayed on line 2, P3, of picture I.), alarm (7, picture I.), countdown, second time zone (6, picture I.) and chronograph (8, picture I.)

7. With respect to claim 5 Will and Moriya teach the digital watch according to claim 4, comprising at least one time zone function (6, picture I.) for keeping and displaying

the time of an auxiliary time zone and the time of a main time zone, wherein said time zone function comprises a second display option wherein said time of an auxiliary time zone is displayed on said first line of alphanumeric characters and said time of a main time zone is displayed on said second line of alphanumeric characters (fig 9b.)

8. With respect to claim 6 Will and Moriya teach the digital watch according to claim 5, comprising an alarm function (7, picture I.), wherein the alarm is triggered according to said time of a main time zone when said second display zone is inactive and the alarm is triggered according to said time of an auxiliary time zone when said second display option is active (functional language fails to distinguish over Will.)

9. With respect to claim 7 Will and Moriya teach the digital watch according to claim 1, wherein said control means (P5, picture II.) are capable of discriminating between a short pressure and a prolonged pressure on said interface device (a microprocessor is capable of distinguishing between a long duration signal from a sensor and a short duration signal from a sensor.)

10. With respect to claim 8 Will and Moriya teach the digital watch according to claim 2, wherein all the parameter definitions and the function selection are performed only by rotation and pressure of said interface device (Figure 6 discloses an embodiment in which interface device P5 is the sole means of selection and user input.)

11. With respect to claim 9 Will and Moriya teach a method of management and control of a watch according to claim 2, comprising the steps of: reacting to the rotation of said interface device by selecting in a cyclical fashion an operating mode from among a set of operating modes (figure 1), each of said operating modes corresponding to one of said functions supplied by the control module(figure 1 and figures 9a-11j); displaying the indications relative to the function corresponding to the selected operating mode on said second line of alphanumeric characters (items 142 fig 11b, 163 fig 11e, and 152 fig 11d.)

12. With respect to claim 10 Will and Moriya teach the method according to claim 9, wherein at least one of said operating modes comprises a subsidiary definition mode and reacts to pressure exerted on said interface device (P5) by activating said subsidiary definition mode (figure 11e and 11f show an operating mode with a subsidiary definition mode and figure 6 shows an embodiment wherein interface device 36, P5 picture III, is the only means of input/selection.)

13. With respect to claim 11 Will and Moriya teach the method according to claim 10, wherein said at least one operating mode comprising a subsidiary definition mode reacts to a prolonged pressure exerted on said interface device by activating said subsidiary definition mode (Will's invention would react the same to a prolonged pressure as it would to a short pressure exerted on said interface.)

14. With respect to claim 12 Will and Moriya teach the method according to claim 9, wherein at least one of said operating modes is adapted for keeping and displaying the time of an auxiliary time zone (fig 9b) and the time of a main time zone and reacts to pressure exerted on said interface device by activating a second display option, in which said time (65, fig b) of an auxiliary time zone is displayed on said first line of alphanumeric characters and said time of a main time zone (63, figure 9b) is displayed on said second line of alphanumeric characters (this transition may be obtained by changing the primary time to the separate time zone through the set time and set time zone diff menus, using interface device P5.)

15. With respect to claim 13 Will and Moriya teach the method according to claim 12, wherein one of said operating modes is an alarm mode (fig 10c) for triggering an acoustic signal at a predetermined alarm time, wherein said signal is triggered according to said time of a main time zone when said second display option is inactive and said signal is triggered according to said time of an auxiliary time zone when said second display option is active (alarm functions according to the primary time. Primary time may be switched with the secondary time zone through inputs to the interface device in set time zone difference and set time menu options.)

16. With respect to claim 14 Will and Moriya teach a computer product comprising a computer program stored in the memory of a digital processor, comprising software portions for performing the method of claim 9 when it is executed on said digital

processor. (The operation of claim 9 is performed by the microprocessor 20 figure 3a and its memory 21 and 22 figure 3a. Additionally see the rejection to claim 9 above.)

17. With respect to claim 15 Will and Moriya teach the digital watch according to claim 1, wherein said display can also display other non-alphanumerical graphic symbols graphic symbols (item 10 figure 1 shows a non-alphanumerical arrow symbol.)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
10/23/2006

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SUPERVISORY PATENT EXAMINER